

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NOEL C. MURRAY, *et al.*,

Case No. 2:18-cv-01382-MMD-GWF

Plaintiffs,

V.

PROVIDENT TRUST GROUP, LLC, *et al.*,

ORDER

Defendants

This matter is before the Court on the parties' Discovery Plan and Scheduling Order (ECF No. 28), filed November 21, 2018.

On July 26, 2018, Plaintiffs filed their Complaint (ECF No. 1) on behalf of themselves and similarly situated parties alleging breach of contract, breach of fiduciary duties, negligence, unjust enrichment and restitution. Defendants first appeared in this action by filing a Motion to Dismiss (ECF No. 21) on October 8, 2018. In their Motion to Dismiss, Defendant's allege the complaint requires dismissal under Rule 12(b)(6).

In the instant proposed discovery plan and scheduling order, the parties agree that depositions and expert discovery should be deferred until the Court has issued a decision on the motion to dismiss. Conversely, the parties disagree on the document discovery deadline. The Plaintiffs' position is that document discovery should begin immediately and continue on a rolling basis. Defendants argue that apart from initial disclosures, written discovery should be stayed pending the determination of Defendants' Motion to Dismiss.

The Court will permit a stay of discovery related to depositions and expert disclosure deadlines because the parties have agreed to such. Depositions and expert discovery will be deferred until after the Court's decision on the Motion to Dismiss. However, the Court denies

1 Defendant's request to stay written discovery, without prejudice. Defendants may file a motion
2 to stay written discovery pending the decision on the motion to dismiss, in which they must show
3 that a stay is warranted under the standards applied in this district. Accordingly,

4 **IT IS HEREBY ORDERED** that the parties' Discovery Plan and Scheduling Order
5 (ECF No. 28) is **granted in part and denied in part**. Written discovery shall commence in
6 accordance with Fed. R. Civ. P. 26 and Local Rule 26-1. Depositions and expert disclosures
7 shall be stayed until such time as the Court decides Defendants' Motion to Dismiss.

8 **IT IS FURTHER ORDERED** that the parties are to submit a proposed scheduling order
9 within **fourteen (14) days** of the entry of this order, which sets forth dates for completion of
10 discovery as required by Local Rule 26-1(b).

11 Dated this 27th day of November, 2018.

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GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE